



**REGULAR MEETING
MINUTES
for
Wednesday, December 8, 2004
4:00 P.M. – Council Chamber Boardroom
and
5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 P.M.

1) Roll Call

Present: Commissioners Brewer, Davidson, Corral, Garcia, Gardner, Percy, Ward, and Quinto

Absent: Commissioner Huerta

2) Public Comment

Ms. Cynthia Miller spoke to the Commission regarding her case. She asked that the Commission hold off on reviewing her case because she had information to submit that had been lost. Chairman Gardner said he would hold the case if she could have the information to the Commission by its next case review meeting on January 12, 2005.

Ms. Letitia Pepper spoke to the Commission regarding her case. She submitted additional information to the Commission. Chairman Gardner placed her case on hold pending review of that information.

3) Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:11 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1) 03-079	PC-03-297-278	5) 04-038	PC-04-154-139	9) 04-061	PC-04-166-171
2) 04-003	PC-04-019-175	6) 04-044	PC-04-188-107	10) 04-063	PC-04-252-122
3) 04-013	PC-04-051-215	7) 04-047	PC-04-194-271	11) 04-067	PC-04-253-127
4) 04-025	PC-04-099-087	8) 04-060	PC-04-253-125		

The Commission recessed at 5:30 p.m. to reconvene in the Council Chambers.

OPEN SESSION – 5:30 P.M.

**The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners Brewer, Corral, Garcia, Gardner, Percy, Ward, and Quinto

Absent: Commissioner Davidson and Huerta

4) Approval of Minutes

Commissioner Brewer moved to approve the minutes for the November regular meeting. Commissioner Ward seconded the motion. The motion passed 7 for, 0 against, 1 abstention.

5) Executive Director's Report & Comments

Mr. Williams reported:

- that the Commission would hold a special meeting on December 22nd to:
 - deal with the Banfill-Gould subpoena issue, and
 - be briefed by RPD on the December 6th officer-involved death incident.
- that the Mayor's Nominating and Screening Committee would be meeting on December 21st to discuss the implementation of Measure GG.

6) Commissioner's Comments

Commissioner Garcia invited the commissioners to the Casa Blanca CAG Meeting and Christmas dinner being held this evening (December 8 at 7 PM). He also advised the Commission that the Casa Blanca CAG would be holding a special meeting on December 9th at 7 PM at Villegas Center regarding a new customer service center in Casa Blanca.

7) Public Comments

Mary Shelton expressed concern over two officer-involved shooting incidents - one fatal – that occurred in one week. She noted that the officer involved in December 6th officer-involved death incident was also involved in the officer-involved death of Robert McComb on January 28, 2003. She was concerned that an officer would be involved in two fatal shootings after being with RPD for only 2 years.

Ms. Shelton also spoke on Measure GG. She said she hoped the committee would get a lot of work done by the meeting date. She said the feeling she got was that council and the mayor would be appointing people to boards and commissions. She noted that Councilmember Ameal Moore wants boards and commissions to maintain their independence.

Mr. Williams said he was at the meeting and that the CPRC was discussed separately from others boards or commissions. Councilmember Adkison said he didn't want to do anything that would give the citizens the impression that the Council was trying to unravel the commission. Mr. Williams noted that the CPRC is missing a commissioner from only one ward.

8) Committee Reports

A) Outreach Committee – Commissioner Percy, Chair

Commissioner Percy reported that

- the Outreach Committee met prior to the regular Commission meeting and that there was significant public attendance;
- Measure II was discussed;
- discussed outreach to the community and to RPD;
- support for the Commission is broader and wider than just a few people;
- possibly putting a video together for RPD roll call & PSR's;
- the Commission needs to reach out to RPD members other than patrol;
- the Committee didn't discuss goals, but did discuss marketing outreach opportunities such as partnering with the Riverside Coalition for Police Accountability (RCPA).

B) Budget Committee – Commissioner Garcia, Chair

Chairman Gardner noted that there would be not Budget Committee meeting in December, but that a meeting would be held in January.

C) Policy & Procedures Review Committee – Jack Brewer, Chair

Commissioner Brewer said that it was difficult to meet with current make up of committee and asked for alternative members so that committee could meet.

Chairman Gardner said that he couldn't make new appointments that evening, but asked the commissioners to think about whether or not they would be interested in serving on Policies & Procedures Review Committee.

9) NACOLE Conference

Due to technical difficulties, Commissioner Quinto's report on the 2004 NACOLE Conference was postponed. Chairman Gardner asked it to be placed on the January Regular Meeting agenda.

10) Policy Recommendations to RPD

Chairman Gardner addressed the issue of the RPD's response to policy recommendations made by the CPRC. He noted that:

- RPD said it would change RPD Policy and Procedure 4.15, but that the change had not been made;
- there had been no response from the Department regarding RPD Policy and Procedure 6.3 – Non-Injury Accidents, and a conflict in the manual between policies;
- there had been no response from the Department regarding a recommendation to a policy regarding runaways (RPD Policy and Procedure 5.41);
- there had been no formal response from the Department regarding the recommendation to RPD Policy and Procedure 4.60 – Audio Recording Policy;
 - the meeting with Chief Leach and Joe Brann to discuss the policy would not take place at the direction of the Interim City Manager;
 - the recommendation would be returned to the Department with the additional information indicated.

Commissioner Percy asked if there was any indication on the part that there was an unwillingness to implement the policy because it was being evaluated on the one-year anniversary of its implementation. He also asked if it was an RPOA MOU issue. Mr. Williams said he'd e-mailed the Interim City Manager regarding that and had not received a response. Chairman Gardner said he spoke with the Interim City Manager regarding that and said it were a bargaining issue, that the City's negotiator should know that the Commission feels very strongly that officers should use their recorders at all times. He also said that he didn't see anything in the MOU that made him think a revision of 4.60 would conflict with it.

Commissioner Percy said it is a risk reduction / risk management issue and that the recorders are a good risk reduction tool. Chairman Gardner agreed saying that the Commission makes recommendations – it's the Chief's prerogative whether or not to accept it – but the Commission can go back to the Chief with amended recommendation.

Commissioner Percy asked how the Interim City Manager is involved in the issue. Chairman Gardner said that the correspondence goes through the City Manager's office and while not in the ordinance, it is polite to advise the City Manager.

Commissioner Quinto asked what would happen with recommendation if meeting with the Chief and Joe Brann doesn't take place. Chairman Gardner said he hopes the Chief will see that the Commission is serious about the issue and will accept the recommendation. If Chief doesn't accept it, the Commission could possibly make a recommendation to the Mayor and City Council saying that it is important to community relations.

Commissioner Brewer expressed concern that the Interim City Manager had stopped the Executive Director from acting on the Commission's behalf on several issues. Chairman Gardner said that both items were meetings with State Attorney General's consultant (Joe Brann) and he feels the advice for no meeting came from the City Attorney.

Commissioner Percy asked what would prevent the Chair from meeting with Mr. Brann. Chairman Gardner said he would make the contact but wasn't sure it was necessary. He said the Commission could send back strengthened policy recommendation, but that he would call Mr. Brann if that is what the Commission wanted him to do.

Commissioner Garcia said he wanted the Chair to call Mr. Brann and submit a letter to the Interim City Manager and the Chief noting how many cases could have had a definitive finding had recorders been used and noting a time frame for the Department's response to the Commission.

Commissioner Garcia made a motion, with Commissioner Percy seconding, that the Chair call AG Consultant Joe Brann. Based on Mr. Brann's response, send a letter with the policy recommendation to Interim City Manager and the Chief of Police noting the number cases in which the Commission could have made definitive finding had there been a recording. The motion passed unanimously.

Chairman Gardner said he would contact Mr. Brann and would inform staff of the results.

Mary Shelton said she supported the motion to contact Joe Brann. She said she didn't understand the City Manager's response. She noted that at CPRC workshops, the former City Manager and Assistant City Manager expressed concerns about audio recordings. She was confused about needing to review a year's worth of data to approve a policy recommendation and said she senses that there is a wall of resistance toward the CPRC regarding the policy. She said she didn't see why anyone would disagree with recommendation. She also said she felt the Executive Director and the commissioners should be able to talk to Mr. Brann.

11) CPRC 2005 Meeting Schedule

Commissioner Brewer asked that room be made on the schedule for the Policies and Procedures Review Committee.

Chairman Gardner asked if Commissioner Brewer had a preference as to when he wanted the committee to meet. Commissioner Percy noted that the other standing committees might not meet monthly. Chairman Gardner said it might turn out that none of the committees will need to meet monthly, but wants to be sure that they can, if necessary.

Chairman Gardner noted that Commissioner Huerta had conflicts on the first and third Wednesday's, but that the second and fourth seemed to be okay.

Chairman Gardner asked that the Commission approve the schedule. Commissioner Percy made the motion with Commissioner Brewer seconding. The motion passed unanimously.

12) CPRC Participation with Outside Groups

Chairman Gardner asked Mr. Williams to brief the Commission on this item.

Mr. Williams said that the RCPA came to bat for the Commission during Measure II campaign. He said that he had discussions with Coalition members about how relationship with CPRC could be maintained. He said that he wanted to bring this before the Commission for their thoughts. He also noted they could be of help in securing the '06 NACOLE Conference and could also provide outreach opportunities.

Commissioner Brewer said he is concerned about such an association because the Commission is working hard to establish its own identity. Chairman Gardner said he shared that concern, not with regard to any specific group, but

said that the Commission should always be seen as truly independent and that should be kept in mind when developing partnerships with any groups or organizations.

Commissioner Quinto said she was thinking about this in the area of support in the community and what Riverside would have to offer NACOLE. She said she didn't believe it would jeopardize identity of the Commission.

Commissioner Percy said that sometimes perception is reality and that it would be better to look at it as a "collaborative effort" rather than a partnership.

Mr. Williams noted that the same reservations were expressed by the RCPA and said that they also want to maintain their independence.

Commissioner Quinto noted that it would also assist in the search for funding if the Commission has the support of community groups.

13) Volne Stokes Officer-Involved Death Case

Chairman Gardner stated that this had been placed on the agenda in case the officer could appear or in case anyone had anything to say about case. He noted that the officer she couldn't appear before the Commission because she was on vacation.

Mary Shelton said she had heard that and said she wondered what the officer would do when she appeared next.

Chairman Gardner said he didn't know what she would do, but the City Council said she needed to do what was legally required. He said that the Commission's counsel has advised them that the officer invoke Fifth – her attorney couldn't do that for her – and that she would, at least, have to state her name, place of employment, etc.

Ms. Shelton said she liked what Commissioner Percy had said in a previous meeting about the Department compelling officers to at least appear – not testify – and asked if the Commission was going to research other what other cities have done regarding an ordinance requiring officers to appear or if anyone else had considered this.

Chairman Gardner said he thought the City Council had to a degree when giving direction to the City Attorney because they said that they expected every City employee to comply with the law. He said that the City Council has said that the City has subpoena authority and they have given the Commission the authority to do so.

14) Rene Guevara Officer-Involved Death Case

The Commission discussed revisions to the Guevara draft public report. After minimal discussion, it was decided to hold a special meeting to handle the revising of the report. The Commission agreed to hold that meeting on December 16 at 10 AM, location to be determined.

The Commission adjourned at 7:30 p.m.

Respectfully submitted,


PHOEBE SHERRON
Sr. Office Specialist